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REMARKS

Claims 1-3 and 5-33 are currently pending in the subject application and are presently under consideration. A version of the claims is at pages 2-7. Claims 1, 2, 5, 6, 8, 9, 13, 14, 19, 22, 27 and 29-32 have been amended herein, and claim 4 stands cancelled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claims 1, 5, 6, 22, 27 and 30

Claims 1, 5, 6, 22, 27 and 30 stand objected to for minor informalities. In view of the amendments to claims 1, 5, 6, 22, 27 and 30, this objection is believed to be moot and should be withdrawn.

II. Rejection of Claims 30-33 Under 35 U.S.C §112

Claims 30-33 stand rejected under 35 U.S.C §112, first paragraph, as failing to comply with the enablement requirement. In view of the amendment to independent claim 30, this rejection should be withdrawn.

III. Rejection of Claims 2, 3, 5, 8, 9, 13-14 and 29 Under 35 U.S.C §112

Claims 2, 3, 5, 8, 9, 13, 14 and 29 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants' representative respectfully requests that this rejection be withdrawn in view of the amendments to claims 2, 5, 8, 9, 13, 14 and 29.

IV. Rejection of Claims 1-3, 5-20 and 29-33 Under 35 U.S.C. §101

Claims 1-3, 5-20 and 29-33 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection should be withdrawn for at least the following reasons. Independent claims 1, 29 and 30 provide a useful, concrete and tangible result, and thus fall within the scope of §101.

With respect to independent claim 1, the Examiner asserts that the data store and security component are software and are thus directed to software per se and are not statutory. The Examiner further asserts that claim 1 would be directed to statutory subject matter by reciting a

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hardware component. Applicants' representative respectfully disagrees. According to *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352 (Fed. Cir. 1999), the legal standard set forth by the Federal circuit for determining whether claims are directed towards statutory subject matter is whether the claims can be applied in a practical application **to produce a useful, concrete and tangible result**. The subject claim meets the aforementioned legal standard. The preamble of independent claim 1 recites **a computer-implemented data security system**. Therefore, since the data store and security component are parts of a computer-implemented data security system, independent claim 1 produces a useful, concrete and tangible result - a security policy applied to a portion of a database within a computer-implemented system.

Furthermore, the preambles in independent claims 29 and 30 recite **a computer-implemented system** and **a computer readable medium having a data structure**, respectively. Therefore, claims 29 and 30 also produce a **useful, concrete and tangible result**, and are thus directed to statutory subject matter for the same reasons noted above with respect to independent claim 1. Accordingly, this rejection should be withdrawn.

V. Rejection of Claims 1-3, 5-10, 18-22, 25-27 and 29 Under 35 U.S.C. §102(b)

Claims 1-3, 5-10, 18-22, 25-27 and 29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Carter *et al.* (US 5,987,506). This rejection should be withdrawn for at least the following reasons. Carter *et al.* fails to disclose all features of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

The claimed invention relates to an enhanced security model in accordance with hierarchically arranged data items. In particular, amended independent claim 1 recites a computer-implemented data security system that facilitates securing a data item, comprising:

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a data store that includes at least one hierarchical data structure that comprises a plurality of data items; and a security component that *automatically applies at least one of a plurality of policies to at least a first subsection of the data store based at least in part upon detection of a type of the at least one hierarchical data structure*. More particularly, the invention as claimed mitigates having to associate security policies at each item within a data structure by automatically applying a security policy to a section of a data store that contains many data items based upon the type of data structure that is employed. Independent claims 22 and 29 recite similar limitations as independent claim 1. Carter *et al.* is silent regarding such features of the subject claims.

Carter *et al.* provides a globally addressed storage environment that allows data to be accessed across a plurality of networks. The cited reference further employs authentication and authorization procedures between the plurality of networks. However, nowhere does the cited reference *automatically apply at least one of a plurality of security policies to at least a first subsection of the data store based at least in part upon a type of the at least one hierarchical data structure*, as afforded by the claimed invention.

In view of at least the foregoing comments, it is readily apparent that Carter *et al.* does not teach or disclose each and every limitation of independent claims 1, 22 and 29 (and the claims that depend there from). Accordingly, applicants' representative respectfully requests that this rejection be withdrawn.

VI. Rejection of Claims 30-33 Under 35 U.S.C. §102(e)

Claims 30-33 stand rejected under 35 U.S.C. §102(e) as being anticipated by Belani *et al.* (US 6,772,350). This rejection should be withdrawn for at least the following reasons. Belani *et al.* does not disclose or suggest each and every element of applicants' invention recited in the subject claims.

Amended independent claim 30 recites a computer readable medium having a data structure stored thereon, comprising a first data field related to a security region associated with a hierarchical data structure; a second data field that relates to a security policy; and a third data field that *automatically maps the security policy to the security region based at least in part upon detecting a type of hierarchical data structure that is employed*. Belani *et al.* is silent regarding such novel features of the subject claim. Rather, Belani *et al.* discloses a controller

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that manages accessibility to various resources in a multi-domain server and/or network. The reference further applies security access list to resources, a hierarchy associated with the resources, and/or user hierarchy information in order to provide secure access to the plurality of resources. However, the cited reference is silent with regards to applying a specific security policy upon detection of a specific hierarchical data structure. Consequently, Belani *et al.* does not teach *automatically mapping a security policy to the security region based at least in part upon detecting a type of hierarchical data structure*, as recited in amended independent claim 30.

In view of at least the foregoing, it is readily apparent that Belani *et al.* fails to teach the identical invention in as much detail as is contained in the subject claims. Accordingly, this rejection should be withdrawn.

VII. Rejection of Claims 6, 11, 17 and 23 Under 35 U.S.C. §103(a)

Claims 6, 11, 17 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carter *et al.* (US 5,987,506) in view of Belani *et al.* (US 6,772,350). Applicants' representative respectfully requests withdrawal of this rejection for at least the following reasons. Claims 6, 11, 17 and 23 depend from independent claims 1 and 22, and as stated *supra*, Carter *et al.* and Belani *et al.* do not teach, disclose or suggest applicants' invention as recited in such independent claims. Accordingly, this rejection should be withdrawn.

VIII. Rejection of Claims 12, 15, 16, 24 and 28 Under 35 U.S.C. §103(a)

Claims 12, 15, 16, 24 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carter *et al.* (US 5,987,506) in view of Dennis *et al.* (US 6,466,932). Applicants' representative respectfully requests withdrawal of this rejection for at least the following reasons. Claims 12, 15, 16, 24 and 28 depend from independent claims 1 and 22. As discussed above, Carter *et al.* does not teach, disclose or suggest applicants' invention as recited in such independent claims; and Dennis *et al.* does not cure the aforementioned deficiencies of the primary reference. Accordingly, this rejection should be withdrawn.

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IX. Rejection of Claims 13 and 14 Under 35 U.S.C. §103(a)

Claims 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Carter *et al.* (US 5,987,506) in view of Dennis *et al.* (US 6,466,932) and further in view of Belani *et al.* (US 6,772,350). Applicants' representative respectfully requests withdrawal of this rejection for at least the following reasons. The subject claims depend from independent claim 1, and as discussed *supra*, the cited references fail to disclose, teach or suggest all features of independent claim 1. Therefore, withdrawal of this rejection is respectfully requested.

CONCLUSION

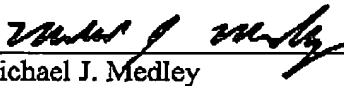
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP535US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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